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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,054	11/03/2003	Louis A. Lippincott	ITL1709US (P17678)	5501
21906 7590 05/11/2011 TROP, PRUNER & HU, P.C. 1616 S. VOSS ROAD, SUITE 750 HOUSTON, TX 77057-2631				
EXAMINER				
THOMAS, ERIC M				
ART UNIT		PAPER NUMBER		
3714				
MAIL DATE		DELIVERY MODE		
05/11/2011		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/701,054

Applicant(s)

LIPPINCOTT, LOUIS A.

Examiner

Eric M. Thomas

Art Unit

3714

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 February 2011.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-27 and 29-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-27 and 29-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-945)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Response to Amendment

This is in response to the amendments filed on 2/24/11. Claims 25 – 27 and 29 – 35 are pending in the current application.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) The invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 25 – 27, and 29 – 35 are rejected under 35 U.S.C. 102(b) as being anticipated by Rutkowski (U.S. 5,806,849).**

Regarding claims 25 and 30, Rutkowski discloses a method and apparatus of providing at least one media center to provide electronic game data for one game to at least two game players of said game who play the game at the same time in concert, **("an unlimited number of controllers may be interfaced with the game unit to allow an unlimited number of players to play a game at the same time", col. 5, lines 53 - 55 and fig. 1)**, separating the game data so that separate game images may be provided for each of the game players who play the same game and such that the game images for each of the players may be different in at least some respects, **("allows an unlimited number of controllers to be used with the same console", col. 2, lines 38 - 39)**, receiving game control commands from said players using separate wireless controllers and identifying which commands originate with each of

said game players by appending tags to said game control commands so that a command from one player is distinguished by said media player from a game control command received from the other player, (**"the controllers of the system are preferably wireless controllers which send control information to the console in the form of radio frequency signals", "each controller transmits on a different frequency so that console can determine which controller is sending which control signals", col. 3, lines 18 - 25).**

Regarding claims 26 and 31, Rutkowski discloses including associating game data with tags, each tag indicative of a different player, (**"each controller transmits on a different frequency so that console can determine which controller is sending which control signals", col. 3, lines 18 - 25).**

Regarding claims 27, 32, and 33, Rutkowski discloses providing controls which each game player may utilize to provide input commands to the media center, (**"controller preferably first comprises a user interface for accepting user input, col. 3, lines 52 - 54).**

Regarding claims 29 and 34, Rutkowski discloses enabling a controller for each player to wirelessly use a different frequency to wirelessly communicate with said media center and enabling said media center to provide game data to each controller using a different and distinct frequency for each game controller, (**"the controllers of the system are preferably wireless controllers which send control information to the console in the form of radio frequency signals", "each controller transmits on a**

different frequency so that console can determine which controller is sending which control signals", col. 3, lines 18 - 25).

Regarding claim 35, Rutkowski discloses multiplexing video game data with a particular tag to a particular buffer based on the detected tag, ("**by multiplexing lines, in the manner described, an unlimited number of controllers may be interfaced with the game unit to allow an unlimited number of players to play a game at the same time**", col. 5, lines 53 - 55 and fig. 1).

Response to Arguments

3. Applicant's arguments filed on 2/24/11 have been fully considered but they are not persuasive. Regarding claim 1, Applicants argue that "Rutkowski does not append any tags to any game control commands." Furthermore, it is argued that Rutkowski does not teach this limitation because, Rutkowski, "uses the awkward approach of sending the commands from each controller on a different frequency", and that this approach, "would seem to require a longer processing time on the signals, using more battery power as well." In response to this, although, the Applicants point out that Rutkowski uses an "awkward approach" and that it may require a longer processing time on the signals and use more battery power, this does not necessarily mean that Rutkowski does disclose or teach the above claim limitation. As cited above, Rutkowski discloses that the controllers of the system are preferably wireless controllers which send control information to the console in the form of radio frequency signals", "each controller transmits on a different frequency so that console can determine which controller is sending which control signals", (**col. 3, lines 18 - 25**). The Examiner fails to

see how this differs from the claim limitation of "receiving game control commands from said players using separate wireless controllers and identifying which commands originate with each of said game players by appending tags to said game control commands so that a command from one player is distinguished by said media player from a game control command received from the other player." The Examiner views the teaching of each controller transmitting on a different frequency as being equivalent to appending tags and the teaching of the console determining which controller is sending which control signals as being equivalent to the media player distinguishing game control commands from different players. Furthermore, Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references, instead the Applicants contend that the system Rutkowski is more hardware intensive, slower, would increase, requires more battery, etc., however this does not specifically point out how the language of claims patentably distinguishes them from the Rutkowski reference. Therefore, the Examiner maintains that Rutkowski anticipates the present invention as claimed.

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Eric M. Thomas whose telephone number is (571) 272-1699. The examiner can normally be reached on 7a.m. - 3p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Lewis can be reached on (571) 272-7673. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. M. T./

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Examiner, Art Unit 3714

/David L Lewis/
Supervisory Patent Examiner, Art Unit 3714